

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Court No. 5:12CR009-DCB-LGI-002

HOWARD JACKSON

Defendant

and

CLAIBORNE CO. HUMAN RESOURCE AGENCY

Garnishee

ORDER

A Writ of Garnishment [88], pursuant to 28 U.S.C. § 3205, directed to CLAIBORNE CO. HUMAN RESOURCE AGENCY as the “Garnishee,” has been duly issued and served upon the Garnishee as to Defendant Debtor Howard Jackson.

Pursuant to the Writ of Garnishment, CLAIBORNE CO. HUMAN RESOURCE AGENCY filed an Answer [91] on September 25, 2023. However, in its Answer, the Garnishee stated that it held earnings of the Defendant in paragraph C while simultaneously claiming to have no property of the Defendant in paragraph G. *See* Answer, ECF No. 91. The Garnishee then filed an Amended Answer [92] on October 10, 2023, as the Garnishee, stating that at the time of the service of the Writ it had in its possession, custody or control, personal property to which the Defendant held an interest, and Garnishee was indebted to Defendant, in his sole capacity, as follows:

1. Gross recurring bi-weekly, part-time, earnings of approximately \$923.27, with approximately \$812.64 of disposable earnings.
2. The Garnishee advised that a 25% garnishment of Defendant’s wages was currently in place to the benefit of the Mississippi Department of Employment Security, with a balance

owing at the time of filing of the Answer of \$2,973.00.

On September 21, 2023, Defendant Debtor was served with a copy of the Clerk's Notice and the Writ of Garnishment, advising that he may file an objection to the Writ within 20 days of service claiming applicable exemptions and request a hearing, or to the answer of the garnishee and request a hearing within 20 days of the filing of the Garnishee's answer. *See* Cert. of Service, ECF No. 90. Defendant was served with the Amended Answer evidenced by the Certificate of Service filed by the Garnishee with its Amended Answer [92] on October 5, 2023. Neither party has filed an objection and requested a hearing as to the Amended Answer filed by Garnishee CLAIBORNE CO. HUMAN RESOURCE AGENCY within twenty (20) days of the filing of the same, pursuant to 28 U.S.C. § 3205(c)(5). It has been shown that the amount of criminal debt owed by the Defendant is presently **\$11,731.56**.

IT IS THEREFORE ORDERED that, after the Mississippi Department of Employment Security's debt is paid in full and its current garnishment is terminated, Garnishee CLAIBORNE CO. HUMAN RESOURCE AGENCY shall pay to Plaintiff, from Defendant's recurring "earnings," his "non-exempt disposable earnings," which is **25%** of Defendant's "disposable earnings" as defined by statute (*see* 28 U.S.C. § 3002), until the judgment owed to Plaintiff is paid in full, or until Garnishee no longer has possession, custody, or control of earnings belonging to Defendant, or until further order of this Court.

IT IS FURTHER ORDERED that the United States will reduce the amount of the judgment debt owed to the United States by the amount received, and that an annual accounting of this garnishment shall be filed with the Court and provided to the judgment debtor and the garnishee pursuant to 28 U.S.C. § 3205(c)(9)(A) so long as this garnishment order is in effect.

Payments shall be made payable to **Clerk of Court** and mailed to **United States District**

Clerk of Court, 501 E. Court Street, Suite 2.500, Jackson, MS 39201. The payment shall include on the face of the payment instrument the name of the Defendant, Howard Jackson, and the case number 5:12CR009-DCB-LGI-002 for proper identification.

IT IS SO ORDERED this 31st day of October, 2023.

s/David Bramlette
HONORABLE DAVID C. BRAMLETTE
UNITED STATES DISTRICT JUDGE